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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,828	01/24/2001	Akira Egawa	35.G2722	2195

5514 7590 12/17/2002

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NEW YORK, NY 10112

EXAMINER

BLACKMAN, ROCHELLE ANN J

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,828

Applicant(s)

EGAWA, AKIRA

Examiner

Rochelle Blackman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 15-18, 43, 44 and 57-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 15-18, 43, 44 and 57-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-9, 15-18, 43, 44, and 57-61 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-9, 15-18, 43, 44, and 57-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Nonaka et al., U.S. Patent No. 5,264,892.

Nonaka discloses a "distance-measuring device for measuring individual distances to a plurality of distance-measured regions"/ a "computer usable medium for use with a distance-measuring device for measuring individual distances to a plurality of distance-measured regions"(see FIGS. 1-8); a "selection circuit..." / a "first program code unit for selecting at least one first measured value..." / an "ordering circuit..."(see FIGS. 4, 6, and 7); "a computation circuit for computing an auto-focusing data value..." / "a second program code unit for computing an auto-focusing data value..."(see 7 of FIG. 1); and "a driving circuit for driving an image-forming lens..."(see 8 of FIG. 1). The method of "measuring individual distances to a plurality of distance-measured regions

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by a distance-measuring device" along with features and functions of the claimed elements are similarly met by the features and functions of the above mentioned elements.

2. Claims 1-9, 15-18, 43, 44, and 57-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Nabeshima et al., U.S. Patent No. 4,943,824.

Nabeshima discloses a "distance-measuring device for measuring individual distances to a plurality of distance-measured regions" / a "computer usable medium for use with a distance-measuring device for measuring individual distances to a plurality of distance-measured regions"(see Figs. 1-9); a "selection circuit..." / a "first program code unit for selecting at least one first measured value..." / an "ordering circuit..."(see 53 of Fig. 6, Fig. 18, and col. 3, lines 30-47 – the excluding of a "plurality of second measured distance-values" and/or a "first measured distance value" is executed in the flashlight mode); "a computation circuit for computing an auto-focusing data value..." / "a second program code unit for computing an auto-focusing data value..."(see 53 of Fig. 6); and "a driving circuit for driving an image-forming lens..."(see 68 of Fig. 6). The method of "measuring individual distances to a plurality of distance-measured regions by a distance-measuring device" along with features and functions of the claimed elements are similarly met by the features and functions of the above mentioned elements.

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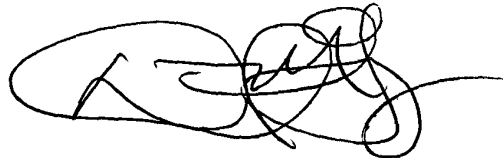
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (703) 308-2879. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'D. M. Gray', with a large, stylized flourish extending to the right.

RB
December 13, 2002

DAVID M. GRAY
PRIMARY EXAMINER